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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIM GRAVES	:	
	:	
v.	:	
	:	
THE CHURCH OF THE LORD JESUS	:	C.A. NO. 02-4056
CHRIST OF THE APOSTOLIC FAITH,	:	
INC.; TRUSTEES OF THE GENERAL	:	
ASSEMBLY OF THE CHURCH OF THE	:	
LORD JESUS CHRIST OF THE	:	
APOSTOLIC FAITH, INC., BISHOP	:	
ANHONEE J. PATTERSON	:	

MOTION TO STRIKE THE PLEADING
ENTITLED
“DEFENDANT BISHOP PATTERSON’S ANSWER TO
PLAINTIFF’S RENEWED MOTION FOR DEFAULT JUDGMENT”

Kim Graves, by his attorney, Frank J. Marcone, Esquire, files this Motion to Strike the Pleading entitled “Defendant Bishop Patterson’s Answer to the Plaintiff’s Renewed Motion For Default Judgment” and in support of his Motion avers the following:

1. Bishop Anthonee Patterson is a separate defendant and does not purport to represent the individual interests of the “Trustees of the General Assembly of the Lord Jesus Christ of the Apostolic Faith, Inc. and the Court specifically directed Bishop Patterson to state who he represented when he filed his responsive pleading. In fact, he has specifically denied being the representative of the Trustees for purposes of this suit. He has no interest in the Motion for Default Judgment which has been filed against the Trustees of the General Assembly of the Church of the Lord Jesus Christ of the Apostolic

Faith, Inc., and which has followed the directive of the Court in various Orders preceding the “Renewed Motion”.

2. The Complaint in this case initiated an action against three entities. One was Bishop Anthonee Patterson, the second was the “Church of the Lord Jesus Christ of the Apostolic Faith, Inc., and the third was the “Trustees of the General Assembly of the Church of the Lord Jesus Christ of the Apostolic Faith, Inc.”.

3. On April 4, 2003, the Plaintiff filed a Proof of Service which evidenced the fact the service of the Complaint against all three defendants was served upon Bishop Anthonee J. Patterson at his residence 1544 W. 25th Street, Jacksonville, Florida 32209, thereby completing service upon the “Trustees” of the General Assembly of the Lord Jesus Christ of the Apostolic Faith, Inc., which has now been clearly identified as existing in the State of Florida and which has designated Bishop Anthonee J. Patterson as the Registered Agent for service of Legal Pleadings thereon.

4. Service was made by a duly authorized process server, Cindy Rexrode and was made on March 20, 2003 at 8:30 a.m.

5. On the 23rd of April, 2003, the Honorable Legrome D. Davis signed an Order which is attached hereto. That Order in part, stated:

“4. It is ORDERED that Defendant Patterson shall file an Answer to the Complaint by May 7, 2003. Furthermore, if Defendant Patterson’s filings are intended to be filed on behalf of Defendant Church and Defendant Trustees as well as himself, Defendant Patterson’s Answer shall so state. Otherwise, Defendant Church and Defendant Trustees are hereby ORDERED To respond to the Complaint by May 7, 2003, and Plaintiff may file a renewed Motion for Default Judgment if responsive pleadings are not filed by Defendant Church and/or Defendant Trustees by such date.”

6. On April 14, 2003, Bishop Patterson had filed a "Pro se" Motion to Dismiss for himself alone although the envelope which transmitted the Motion bore the return address of "The Church of the Lord Jesus Christ of the Apostolic Faith, P.O. Box 109, Darby, PA 19023." Thereafter, an Answer was filed by present defense counsel however there was no entry of appearance nor responsive pleading filed by the Trustees of the Corporation nor the Church and the failure to do so has been a clear contempt on the part of the Defendants, the "Trustees of the General Assembly of the Church of the Lord Jesus Christ of the Apostolic Faith, Inc., the Florida Corporation.

7. There has been no Answer by the "Trustees" nor has there been an entry of appearance in behalf of the Trustees. The Trustees, not having responded as was Ordered by the Court nor represented by counsel, have not filed this Responsive Pleading. Therefore, the "Trustees of the General Assembly of the Church of the Lord Jesus Christ of the Apostolic Faith" have failed to follow the Order of This Court and by failing to do so, are in contempt of said Order and a Default Judgment is proper. The Plaintiff has followed the further directive of the Court and has proven the existence of the Corporation as well as the Trustees of the Corporation who are individual defendants and who have not filed a response to the Complaint and have defaulted and are not permitted to respond to the Complaint due to their Contempt.

8. Neither Bishop Patterson, nor his attorneys have entered an appearance in behalf of the Trustees as Ordered and all communications from counsel assert they represent Bishop Patterson alone. They do not have standing to now respond in any manner whatsoever to a Motion directed to the Contemptuous Defendants, the "Trustees of the General Assembly of the Church of the Lord Jesus Christ of the Apostolic Faith, Inc.".

9. Since Bishop Patterson has not evidenced any intent to file on behalf of the Church and since counsel have asserted they represent Bishop Patterson alone, they have no standing to file a Responsive Pleading to the Motion directed solely at the Trustees of the General Assembly of the Church of the Lord Jesus Christ of the Apostolic Faith, Inc..

WHEREFORE, the Plaintiff respectfully prays the Pleading entitled: "Defendant Patterson's Answer to the Renewed Motion for Default Judgment" must be stricken as being filed without standing and the judgment by default must be immediately entered against the Trustees of the General Assembly of the Church of the Lord Jesus Christ of the Apostolic Faith, Inc., as prayed for.

Respectfully submitted,

Frank J. Marcone, Esquire
Attorney for Kim Graves, Plaintiff

September 11, 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIM GRAVES	:	
	:	
V.	:	
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THE CHURCH OF THE LORD JESUS	:	C.A. NO. 02-4056
CHRIST OF THE APOSTOLIC FAITH,	:	
INC.; TRUSTEES OF THE GENERAL	:	
ASSEMBLY OF THE CHURCH OF THE	:	
LORD JESUS CHRIST OF THE	:	
APOSTOLIC FAITH, INC., BISHOP	:	
ANHONEE J. PATTERSON	:	

ORDER

AND NOW, this day of September, 2003, upon consideration of the Motion to Strike the Pleading entitled: ““DEFENDANT BISHOP PATTERSON’S ANSWER TO PLAINTIFF’S RENEWED MOTION FOR DEFAULT JUDGMENT” it is hereby ORDERED AND DECREED that said Motion is GRANTED and the Pleading is STRICKEN from the Record. Further, upon consideration of the previously filed “RENEWED MOTION FOR DEFAULT JUDGMENT together with the attachments, the COURT enters a JUDGMENT BY DEFAULT against the TRUSTEES OF THE GENERAL ASSEMBLY OF THE CHURCH OF THE LORD JESUS CHRIST OF THE APOSTOLIC FAITH, INC., in the amount of \$164,452.95 together with costs and interest thereon.

By the Court:

Hon. Legrome D. Davis, Judge

CERTIFICATE OF SERVICE

Frank J. Marcone, Esquire, the attorney for the Plaintiff, Kim Graves, does hereby Certify that on September 11, 2003, he personally served a copy of the attached Pleading to Charles J. Grant, Esquire, in his office in Philadelphia, Pennsylvania and further that he caused service to be made upon the following by regular mail, postage prepaid;

Bishop Anthonee J. Patterson
1534 North Davis Street
Jacksonville, Florida 32209

Trustees of the General Assembly of the Church of the Lord
Jesus Christ of the Apostolic Faith, Inc.
1534 North Davis Street
Jacksonville, Florida 32209

Brother Vernon I. Green
1544 West 25th Street
Jacksonville, Florida 32209

George E. Patterson, Sr.
1584 West 12th Street
Jacksonville, Florida 32209

Minster Fincourt B. Shelton
1416 Tanglewood Drive
North Wales, Pennsylvania
Minister Jerral Patterson
147 West 7th Street
Jacksonville, Florida 32206

by personal service at
the office of Charles J. Grant,
Esq. on September 11, 2003

Deacon Joseph Askew
424 Lincoln Drive
Glen Burnie, Maryland 21060

A Leah Gregory
2510 W. Cheltenham Avenue
Philadelphia, Pennsylvania 19150

Frank J. Marcone, Esquire

September 11, 2003

